

## **REMARKS**

Applicant notes the indicated allowability of Claims 39-40.

### **The Restriction:**

Applicant elected to prosecute in this application the claims in Group I, Species I (Claims 31, 83 and 84), and amended Claim 32 so that Claims 32-40 (Species II) depend from Claim 31.

Applicant has added Claims 87 and 88 which are generic to Species I (Claims 31-40, 83, and 84), Species III (Claims 41-44), and Species V (Claims 55-59). Claims 87 and 88 are thus linking claims between the Species I, III, and V, and are properly examined with the elected Species I, i.e., “An examiner’s action subsequent to an election of species should include a complete action on the merits of all claims readable on the elected species.” (MPEP ¶ 809.02(c)) The MPEP further states “The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn.” (MPEP ¶ 809). Claims 87 and 88 are identical to Claims 81 and 82 respectively. Restriction of Claims 81 and 82 was improper, and Application argued the impropriety of the restriction in its last response. However, Applicant inadvertently canceled Claims 81 and 82 and the examiner did not consider Applicant’s traverse of the restriction of these claims. Consideration and allowance of Claims 87 and 88 is solicited.

Applicant provisionally canceled Claims 41-44 (Species III) and 55-59 (Species V) pending examination of linking Claims 87 and 88.

Applicant has canceled Claims 1-30, 45-54, 60-70, 73-83, 85, and 86 without prejudice.

**The Section 102 and 103 Rejections:**

Claim 31 stands rejected under Section 102(e) as anticipated by U.S. Patent No. 6,188,164 to Brown et al. Claim 84 stands rejected under Section 103 as obvious over the patent to Brown et al. in view of U.S. Patent No. 3,094,640 to Gustin. The rejections are improper and must be withdrawn.

Claim 31 as amended recites, *inter alia*, a structure for mounting an arc tube within the outer envelope of an HID lamp, the structure including “an elongated frame supported at one end by a stem assembly, the comprising a stem clamp having one or more frame retaining tabs crimped around a portion of said frame.”

There is no disclosure or suggestion from Brown et al. of the claimed structure. Brown et al. disclose a glass stem 10 supporting a mount assembly 9 including banding straps 11 and 12 and mount frame 14 which includes elongated rods 14a and 14b. The banding strap 11 includes the mount frame receiving areas 11c,11d and the banding strap 12 includes the mount frame receiving areas 12c,12d. (See Figs. 1-3 and col. 2, lines 18-32). The rods 14a and 14b are received into the mount frame receiving areas 11c,11d,12c,12d and are fixed therein, **preferably by welding**. (Column 2, lines 51-53) (emphasis added). There is no teaching from Brown et al. of having one or more frame retaining tabs crimped around the frame. In fact, Brown et al. teach away from crimping the frame in the frame retaining by teaching that it is preferable to fix the frame in the

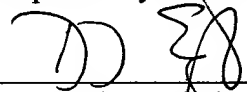
receiving areas by welding. Reconsideration and withdrawal of the rejection of Claim 31 is hereby solicited.

Claims 32-38 and 84 depend from Claim 31 and are thus allowable with Claim 31 without recourse to the further patentable limitations respectively recited therein. Reconsideration and withdrawal of the rejection of Claims 32-38 and 84 is hereby solicited.

Consideration and allowance of new Claims 89-91 is solicited. No new matter has been added.

A further and favorable action and allowance of the pending claims is solicited.

Respectfully submitted,

  
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